

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAURICE THOMPSON ET AL., on behalf of
themselves and all others similarly situated,

No. C 79-01630 WHA

Plaintiffs,

v.

**ORDER DENYING COLLINS
MOTION TO INTERVENE**

JAMES E. TILTON, Acting Secretary,
California Department of Corrections and
Rehabilitation, and EDDIE YLST, Acting
Warden, San Quentin State Prison,

Defendants.

A Death-Row inmate, Scott F. Collins, submitted a letter to the Court, asking for it to be treated as a motion to intervene and asking for appointment of Charles Carbone as his attorney in this matter. The motion was not filed in accordance with the Civil Local Rules. There is no reason to believe it was served on plaintiffs or defendants.

Although applicant Collins offered reasons why he does not want to be represented by plaintiffs' counsel, he did not give any reason to believe that intervenor Freddie Fuiava does not adequately represent his interest. In fact, he insinuated just the opposite: he raised the same issues as intervenor has and he asked for intervenor's attorney to be appointed as his own. The inadequacy of another party's representation of one's interest is a prerequisite to intervening as of right. FRCP 24(a). Because applicant has not offered any reason to find inadequacy of representation, the motion to intervene is **DENIED**. Applicant is not a party. His request for

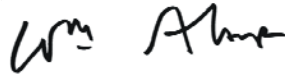
1 appointment of counsel in this matter therefore is also **DENIED**. The Court suggests that
2 applicant contact Mr. Carbone directly.

3 As noted in previous orders, the Court cannot allow all Death Row inmates to intervene
4 in this action. Any future motions to intervene will therefore be considered carefully, giving
5 motions made pro se a liberal construction, and granted only with great care. Potential
6 intervenors should consider carefully whether intervenor or plaintiffs adequately represent their
7 interests.

8 **THE CLERK SHALL SERVE THIS ORDER ON SCOTT F. COLLINS AT THE ADDRESS ON**
9 **HIS LETTER.**

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11 **IT IS SO ORDERED.**

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13 Dated: May 15, 2006

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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